IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.61044-M of 2006

DATE OF DECISION: NOVEMBER 3, 2006

Bhupinder Singh

...PETITIONER

VERSUS

State of Punjab

...RESPONDENT

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr. Deepak Aggarwal, Advocate,
for Mr.D.K.Bhatti, Advocate,
for the petitioner.

Mr.N.S.Gill, AAG, Punjab.

...

The petitioner, who is accused in case FIR No.44 dated 13.3.2004 registered under Section 420 IPC at Police Station, Basti Jodhewal, District Ludhiana, has filed this petition under Section 482 Cr.P.C. for setting aside the order dated 30.5.2006 passed by the Additional Sessions Judge, Ludhiana, whereby the revision filed by him against the order of charge dated 29.1.2005 passed by the JMIC, Ludhiana, has been dismissed because neither the petitioner nor his counsel appeared when the case was called for hearing.

I have heard the counsel for the parties.

Counsel for the petitioner contends that as the counsel for the petitioner had noted down the wrong date of hearing, therefore, he did not appear at the time of hearing of the case before the Additional Sessions Judge, Ludhiana and the revision filed by the petitioner was dismissed with

the following observations:-

> "Revision called several times since morning but none has appeared on behalf of the revisionist. It is already 3.30 p.m. As such, the revision is dismissed in default."

After hearing the arguments of the counsel for the petitioner, I am satisfied with the explanation given by the petitioner in this petition. In view of this, the petition is allowed and the impugned order dated 30.5.2006 is set aside and the Additional Sessions Judge, Ludhiana is directed to hear and decide the revision petition on merits.

November 3, 2006 (SATISH KUMAR MITTAL)
vkg JUDGE